

1 UNITED STATES DISTRICT COURT
2 DISTRICT OF NEVADA

3
4 Afshin Bahrapour,

5 Plaintiff

6 v.

7 National Security Agency, et al.,

8 Defendants
9

Case No.: 2:21-cv-1954-JAD-NJK

**Order Adopting Report & Recommendation
and Dismissing Action**

[ECF Nos. 3, 4]

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11 Plaintiff Afshin Bahrapour was deemed by United States District Judge Gloria M.
12 Navarro as a vexatious litigant in 2017 and is thus prohibited from filing a new action without
13 first obtaining leave from the Chief District Judge to file the new case.¹ Because Bahrapour
14 did not obtain leave before filing this new case, on November 1, 2021, the magistrate judge
15 entered a report and recommendation for this court to dismiss this case. Bahrapour objects.
16 He explains that he did file a motion for leave before Judge Navarro in the case in which he was
17 declared a vexatious litigant, but nothing ever came of it.² Although Bahrapour did, in fact,
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20 ¹ See ECF No. 56 in Case No. 2:16-cv-985-GMN-VCF. The order states:


21 that Plaintiff Afshin Bahrapour is a vexatious litigant pursuant to 28 U.S.C. § 1651(a),
22 and is ENJOINED and PROHIBITED from filing any complaint, petition, or other
23 document in this Court without first obtaining leave of this Court. Accordingly, if
24 Plaintiff intends to file any papers with the Court, he must first seek leave of the Chief
25 District Judge by filing an application bearing the caption “Application Seeking Leave to
26 File.” The application must be supported by a declaration of Plaintiff stating: (1) that the
27 matters asserted in the new complaint or papers have never been raised and disposed of
on the merits by any court; (2) that the claim or claims are not frivolous or made in bad
faith; and (3) that he has conducted a reasonable investigation of the facts and such
investigation supports the claim or claims.

28 ² ECF No. 4.

1 file a request for leave in that 2016 case,³ it has never been ruled on, and Judge Navarro is no
2 longer the Chief District Judge, so the motion should not have been filed in Judge Navarro's
3 long-since closed matter. Moreover, the vexatious-litigant order does not require Bahrapour
4 merely to file a motion for leave before he can file a new action; he must first obtain that order
5 granting such leave. And because Bahrapour does not currently have an order granting leave
6 to file the instant action,

7 IT IS THEREFORE ORDERED that the Report & Recommendation of dismissal [ECF
8 No. 3] is **ADOPTED** in its entirety. This action is **DISMISSED** without prejudice to the
9 plaintiff's ability to refile it if and when he first obtains leave of court. Plaintiff's motion to
10 extend time to comply with the vexatious-litigant order [ECF No. 4] is **DENIED** because the
11 requirement to obtain leave from the Chief District Judge is a prefiling requirement.

12 The Clerk of Court is directed to **SEND** plaintiff a copy of his motion for leave (ECF No.
13 56 in Case No. 2:16-cv-985-GMN-VCF) and **CLOSE THIS CASE**.

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16 U.S. District Judge Jennifer A. Dorsey
Dated: November 24, 2021
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28 ³ See ECF No. 71 in in Case No. 2:16-cv-985-GMN-VCF.